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TAGS: [PHUM](#) [EAID](#) [KJUS](#) [PGOV](#) [PREL](#) [SOCI](#) [UZ](#)  
SUBJECT: UZBEKISTAN: PUBLIC DEFENDER CENTERS IN NEED OF  
ADDITIONAL FUNDING

REF: TASHKENT 741

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

11. (C) Summary: During a July 26-29 Freedom House conference in Istanbul for Uzbek human rights activists and state-licensed defense lawyers (septel), poloff had the opportunity to meet with several lawyers who work at Public Defender Centers supported by the American Bar Association Rule of Law Initiative (ABA/ROLI) and USAID. The lawyers reported that the Centers have attracted increasing numbers of individuals seeking pro bono assistance, some of whom were referred there by local officials. While the lawyers believe that the Centers will eventually become self-sufficient, that goal has not yet been achieved. As USAID funding for the Centers will run out in the next few months, we believe that additional funding should be found, especially considering that this is one of the few human-rights related programs in Uzbekistan that has both benefited ordinary citizens and won the support of local authorities.

12. (C) Separately, poloff met with lawyers from the Tashkent Bar Association, who discussed their recent projects; expressed continued concern over a draft law that threatens the independence of the National Bar Association; and reported that the government intends to amend the criminal code to prevent human rights activists from serving as public defenders. End summary.

PUBLIC DEFENDER CENTERS  
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13. (C) During the Istanbul conference, poloff had the opportunity to talk at length with lawyers who work at Public Defender Centers in Nukus and Ferghana. The Public Defender Centers program is administered by the American Bar Association Rule of Law Initiative (ABA/ROLI) program and funded by USAID. It includes offshore trainings for the

lawyers and financial contributions towards the operations of the Centers. USAID funding for the Centers is set to expire in the next few months.

14. (C) The lawyers explained that the Centers are co-located with private law firms, whose lawyers spend part of their time providing pro bono assistance to those in need. They said that Centers mostly handled ordinary criminal cases, such as drug possession cases. The Nukus-based lawyer said that her center never dealt with "political cases," but the Ferghana-based lawyer said that her center had provided assistance in cases involving allegations of torture against law enforcement officials. Both lawyers reported that their Centers have attracted increasing numbers of individuals seeking pro bono legal assistance as previous clients have spread the word to others in need. The lawyers explained that while Uzbek law guarantees legal representation to all defendants, court-appointed lawyers are widely mistrusted and seen as either incompetent or collaborating with prosecutors.

On the other hand, they noted that the Centers are seen as providing competent and trustworthy legal counsel. The lawyers explained that the Public Defender Centers program have significantly raised the profiles of their private law firms and helped attract paying clients. While the lawyers believed that the Centers will eventually become self-sustaining, they observed that this goal has not yet been achieved.

15. (C) The lawyers also reported that the Centers have won acceptance by local officials. They reported that some of their clients were referred to the Centers by prosecutors,

judges, and law enforcement officials. According to the lawyers, the officials have grown to respect the Centers, as they have provided defendants with more competent legal counsel than they would have otherwise received. This in turn has provided strong motivation for prosecutors and judges to increase their own professionalism.

#### LAWYERS BENEFIT FROM OVERSEAS TRAINING

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16. (C) The lawyers at the Istanbul Conference also reported greatly benefiting from offshore training conducted by ABA/ROLI and others. The Nukus-based lawyer reported a positive experience participating in an ABA training for lawyers, prosecutors, and judges in Eastern Europe in 2006. She said that the joint-training helped break down the divide between the lawyers and the government officials, with whom she reportedly maintains good relations. The Ferghana-based lawyer also recalled a similarly positive experience participating in a joint-training with lawyers, prosecutors, and judges that was held in England in 2005.

17. (C) Poloff is currently attempting to organize an International Visitor's (IV) program for lawyers at the Nukus, Ferghana, and Tashkent Public Defenders Center and two lawyers from the Tashkent Bar Association. The program will provide the opportunity for the lawyers to meet with American experts on pro bono legal assistance and learn more about the operations of legal clinics in the United States. If the nominations are successful, the program will take place sometime in 2009.

#### TASHKENT BAR ASSOCIATION PROGRAMS

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18. (C) At the Istanbul conference, Tashkent Bar Association (TBA) Chairperson Gulnora Ishankhanova and TBA Projects and International Law Issues Consultant Guljakhon Amanova discussed with Poloff the activities of their organization, which is funded by USAID (via ABA/ROLI) and the State Department's Bureau of International Narcotics and Law Enforcement (INL). They noted that TBA reached an agreement with the Ministry of Internal Affairs (MVD) to create a list of competent defense attorneys to serve as court-appointed defense lawyers. The MVD has agreed that it would only refer individuals on the list as defense lawyers (the list includes

lawyers at the Public Defender Centers). Ishankhanova and Amanova reported that a study had previously shown that as many as 45 percent of defendants in Uzbekistan lacked legal representation because they mistrusted court-appointed lawyers. As the TBA's list of competent lawyers has been gradually implemented across the country, she noted that this percentage has steadily decreased.

¶9. (C) Amanova also reported that TBA has created a legal clinic in Tashkent where law school students provide free legal advice to those in need. She said that 35 law students currently participate in the program. She added that the TBA was considering whether to expand the program by opening new legal clinics in other regions of the country.

#### CONTINUED CONCERN OVER DRAFT BAR ASSOCIATION LAW

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¶10. (C) Ishankhanova and Amanova voiced concern about a draft law on the National Bar Association circulating among the government. They explained that the draft law followed a May 1 Presidential Decree on the National Bar Association, which was seen as reform-orientated. However, the lawyers explained that in its current form, the draft law was

regressive, as it permitted the Ministry of Justice to select the heads of the National Bar Association and its regional branches (including the TBA), who are currently selected by their members (reftel). The lawyers speculated that authorities might have feared that the Presidential Decree had granted too much independence to the country's bar associations. They were afraid that the draft law could be passed during Parliament's August session and were seeking to lobby against its adoption (septel). The lawyers noted that the draft law preserved some positive aspects of the Presidential Decree, including granting the National Bar Association responsibility for licensing and disciplining lawyers and overseeing law school standards and admissions.

#### CRIMINAL CODE AMENDED ON PUBLIC DEFENDERS

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¶11. (C) Ishankhanova and Amanova also reported that the government planned to amend Uzbekistan's criminal code so that only state licensed-defense lawyers will be able to represent individuals in a court of law. Previously, individuals without a state license (often human rights activists) could represent individuals at trial as "public defenders." Ishankhanova and Amanova expected that the change will go into effect in September (Note: Human rights activists have reported the same information to poloff. End note.) Ishankhanova and Amanova said that while the criminal code amendment was ostensibly aimed at keeping unqualified lawyers out of the courtroom, in reality it seeks to prevent human rights activists from serving as public defenders in sensitive cases (Note: Human rights activists will still be able to observe trials, but they will not be able to represent individuals without a license. End note.) Ishankhanova and Amanova explained that human rights activists often served as public defenders for individuals in political cases who have difficulty finding state-licensed attorneys willing to represent them.

#### COMMENT

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¶12. (C) We believe that the Public Defenders Centers is a successful project that is now in need of additional funding. The Centers represent a rare example of a human rights-related project in Uzbekistan that has managed to both benefit ordinary people and win the support of local authorities. As USAID funding for the Centers ends in a few months, we support trying to find another means to keep the centers afloat, such as through additional USAID funding or funding from another source, such as the Bureau of International Narcotics and Law Enforcement (INL), the Bureau of Democracy, Human Rights, and Labor (DRL), or the Office of the Coordinator of U.S. Assistance to Europe and Eurasia

(EUR/ACE) .  
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